

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**January 7, 2010**



**Conditional Use Permit CU 09-14: Adam and Kim Saenz**

**CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow single-family residential use on property in a Commercial District (C-3)

**LOCATION:** 2554 East Villa Maria Road, being 0.647 acres of land out of John Austin League, A-2 adjoining the west side of East Villa Maria Road between Red River Drive and Nash Street in Bryan, Brazos County, Texas

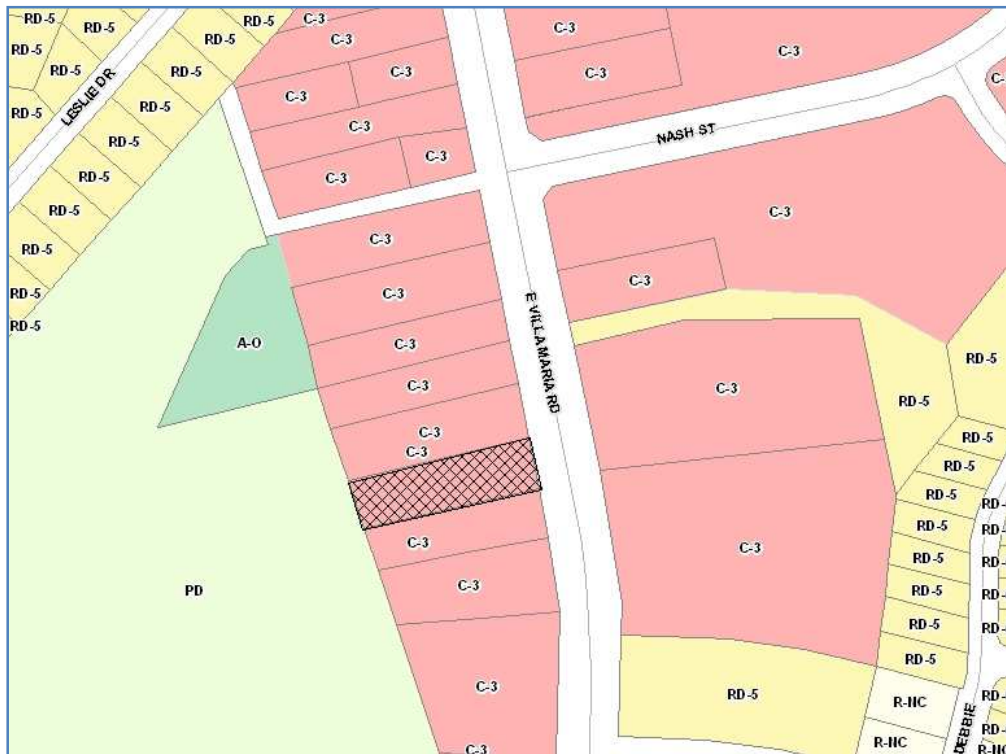
**ZONING:** Commercial District (C-3)

**EXISTING LAND USE:** office use

**APPLICANT(S):** Adam and Kim Saenz

**STAFF CONTACT:** Julie Fulgham, Senior Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this Conditional Use Permit.



**BACKGROUND:**

The subject property has been in commercial use since 2006, when an existing residence on the subject was converted to an office building. The property owners/applicants, Adam and Kim Saenz, now desire to once again use the existing building on the property as a single-family residence. No residential use has occurred here since 2006 and the property is located in a Commercial (C-3) zoning district.

The C-3 zoning classification potentially allows detached single-family dwellings, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicants are requesting such a Conditional Use Permit to be reside on this property.

**RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan's Comprehensive Plan recommends that residential redevelopment and infill be sensitive to the context within which it occurs. It is suggested that contextual standards be included to ensure compatibility with surrounding residential areas, to include lot size, setbacks, density, building height and mass and architectural design. The Comprehensive Plan also recommends to maintain a balance of land uses within the city and achieve a sustainable mix of land use types in suitable locations, densities and patterns.

## ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**Proposed residential use on the subject property will conform to all applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested. The subject property was originally developed as a single-family home site.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**Staff believes that the proposed residential use on the subject property will be compatible with existing uses on abutting sites. Single-family homes adjoin the subject property to the south; office uses are located to the north.**

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Staff believes that, in this particular case, residential use of the existing structure on the subject property would not create greater unfavorable effect or impacts on abutting properties than a commercial development allowed by right on this property without Conditional Use Permit approval.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff contends that the proposed residential use at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity. The site plan shows an extended parking area that was installed when the subject property was converted to office use in 2006. This maneuvering area will help prevent vehicles from backing out onto East Villa Maria Road, an arterial thoroughfare.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Any new development on this property, including the proposed residential use, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**Staff contends that residential use of this particular property will not have any adverse effects on traffic control or adjacent properties.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

**The residential use at this location will provide adequate and convenient off-street parking, as required by City ordinances and regulations. As mentioned above, extra maneuvering room is provided to help integrate traffic flow from this property onto the adjoining street. Single-family residential uses typically generate fewer vehicle trips per day than most (if not all) commercial uses that are allowed by right at this location without a Conditional Use Permit.**

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

**The Commercial District (C-3) is intended for many general commercial uses such as retail and office establishments. However, single-family residences are potentially allowed with approval of a Conditional Use Permit to allow residential development in areas zoned for commercial purposes, for example, in cases where properties for whatever reason historically have not been developed with commercial uses. Staff contends that, in this particular case, the proposed single-family residential use is more compatible with the character in this general area than many uses allowed by right within this commercial zoning district at this time. While long-term development prospects for this and other properties on this block face remain most likely commercial given their exposure to East Villa Maria Road, residential and low-impact office uses are likely to remain here for some time, unless a comprehensive redevelopment effort is undertaken.**

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Staff believes the proposed residential use of this property will have few (if any) ill effects on properties or improvements in the vicinity. As mentioned before, most adjacent properties are currently developed with single-family homes and/or small offices.**

10. Whether the premises or structures are suitable for the proposed conditional use.

**For the same reasons given above, staff believes that the subject property is suitable for use as a residence.**

#### **RECOMMENDATION:**

Based on all these considerations, staff **recommends approving** the Conditional Use Permit, as requested. The proposed single-family residential use on the subject property appears to conform to the land use recommendations of Bryan's Comprehensive Plan and appears to meet all the required criteria for approval of Conditional Use Permits as stipulated by the Zoning Ordinance.